

# Notice of Allowability

Application No.

10/737,072

Examiner

LINH BLACK

Applicant(s)

PATRICK ET AL.

Art Unit

2163

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/2/07.
2. ☒ The allowed claim(s) is/are 46-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### **Reasons for allowance**

**The following is an examiner's statement of reasons for allowance:**

The prior art of record does not teach the combination of the amended limitations in the independent claims 46, 49, and 52.

Chen et al. (US 6741969) and Riconda et al. (US 20040110119) do not explicitly teach "associating a respective state variable with each of the customers; automatically updating the respective state variable with one of a plurality of predefined first states, in response to applying a selected one of a plurality of predefined rules to analyze some of the stored data, wherein the rules are defined in part by the provider, wherein the selected rule is applied to those customers whose respective state variable has a first predefined value which indicates that those customers are subscribing to only free services of the provider, and the selected rule, once applied, transitions the respective state variable to a second predefined value which indicates the customer is ready for paying services" in claim 46; "associating a respective state variable with each of the customers; automatically updating the respective state variable with one of a plurality of predefined first states, in response to applying a selected one of a plurality of predefined rules to analyze some of the stored data, wherein the rules are defined in part by the provider, wherein the plurality of predefined first states includes the following three states, 1) a customer who is less than a predetermined period of time old, 2) a customer who is at least a predetermined period of time old and has used a service of the

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provider, and 3) a customer who is at least a predetermined period of time old and has not used the service" in claim 49; and "associating a respective state variable with each of the customers; automatically updating the respective state variable with one of a plurality of predefined first states, in response to applying a selected one of a plurality of predefined rules to analyze some of the stored data, wherein the rules are defined in part by the provider, wherein the plurality of predefined first states includes the following three states, 1) new customer status, 2) whether a new customer has not used a service within a predetermined period of time, and whether a new customer is likely to subscribe to certain additional services" in claim 52.

Dependent claims 47-48, 50-51, and 53-54 incorporate the listed limitations by reference and contain limitations that further distinguish over the art of record. For these reasons, claims 47-48, 50-51, and 53-54 are considered allowable over the art of record.

### ***Conclusion***

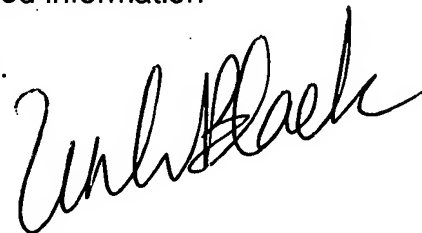
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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